IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2408 OF 2005

Rajendrakumar Ghevarchand Chopra
& Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.A.P.Mundargi with Mr.P.P.Runwal for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 21, 2005.

P.C.

1. Heard Counsel for the parties.

2. The case of the Applicants is that they have no causal connection with the partnership firm, which has been found indulging in adulteration of petroleum product. In fact, the

Applicants have retired on 1st April 2003, which fact is re-inforced by Form ‘E’- Notice of Change of Constitution or Dissolution of Firm issued by the Registrar of Firms dated Nil September 2003, which is at pages 46 and 47 of the paper-book.

3. Learned A.P.P. fairly accepts that no investigation in this behalf has been made by the concerned Investigating Officer. Learned A.P.P. further accepts as at present, there is no material to indicate that the Applicants were responsible in any manner in the commission of the offence.

4. In the circumstances, the appropriate course is to direct the Investigating Officer to give 72 hours advance notice to the Applicants before he decides to arrest the Applicants, after collecting material to indicate complicity of the Applicants in the commission of the offence.

5. In the meantime, the Applicants shall co-operate with the investigation in respect of the alleged offence and report to the Investigating Officer as and when called upon.

6. All questions are left open, in the event the Applicants are required to approach by way of fresh anticipatory bail application.

A.M.KHANWILKAR, J.